

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION**

**KAPONO TARPY,  
Reg #19187-075**

**PLAINTIFF**

**v.**

**CASE NO. 2:12CV00182 BSM**

**USA et al.**

**DEFENDANTS**

**ORDER**

The proposed findings and recommended disposition submitted by United States Magistrate Judge Joe J. Volpe and plaintiff's objections have been reviewed. After carefully considering the objections and making a *de novo* review of the record, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED that:

1. Defendants' motion for summary judgment [Doc. No. 21] is GRANTED.
2. The complaint [Doc. No. 2] is DISMISSED without prejudice for failure to exhaust administrative remedies.
3. It is further certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from the order adopting this recommendation and the accompanying judgment would not be taken in good faith.

DATED this 11th day of June 2013.

  
UNITED STATES DISTRICT JUDGE